

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL NO. 04-30124-MAP

ALEX DELGADO, Petitioner,

vs.

KATHLEEN M. DENNEHEY, Respondent.

PETITIONER'S STATUS REPORT AND MOTION  
FOR FURTHER ENLARGEMENT  
OF TIME FOR FILING MOTIONS

Petitioner Alex Delgado moves the Court for additional time in which to comply with its order directing that the parties file dispositive motions or a motion for an evidentiary hearing on or before January 28, 2005. In connection with his claims that his right to a jury representing a fair cross section of the population was violated, and that the state courts violated his right to access to the data and resources necessary to present his fair cross section claim, Petitioner intends to file *ex parte* motions requesting an order or orders granting him financial assistance under the Criminal Justice Act.

Petitioner's counsel has contacted Gordon F. Sutton, Professor of Sociology emeritus at the University of Massachusetts - Amherst, who has agreed to assist counsel as an expert advisor and expert witness in the development of his fair cross section claims. Professor Sutton, whose curriculum vita is appended hereto, served in this capacity in Petitioner's motion for new trial in the Hampden Superior Court and so is familiar with the project involved and did substantial work on the project several years ago. At present, Professor Sutton is working as a consultant with the Donahue Institute, an organization which provides assistance to the Massachusetts Jury


Commissioner in its efforts to strengthen the fairness of the jury venires generated by the jury composition system currently in use.

Professor Sutton and I have reviewed the materials generated in connection with the state court proceedings in Petitioner's case and are in the process of formulating what remains to be done to develop the claims for habeas litigation. We are investigating the availability of the additional data needed, the availability of adequate means to put the data into usable condition and, based on the results of these inquiries, to formulate the project in a way that will allow me to present a proposal to the Court accompanied by a rationalized request for funds. Professor Sutton and I estimate that we can complete this process no later than March 2, 2005.

I have consulted with opposing counsel who has assented to this request.

Wherefore, Petitioner Alex Delgado requests an order permitting him to submit his ex parte motion for financial assistance on or before March 2, 2005.

Respectfully submitted,  
ALEX DELGADO, PETITIONER

By   
John M. Thompson  
Federal Bar No. 22530  
Thompson & Thompson, P.C.  
1331 Main Street, Suite 320  
Springfield, MA 01103  
[413] 739-2100  
[413] 739-2300 facsimile

Certificate of Service

The undersigned certifies that a true and accurate copy of the foregoing motion has been served upon Assistant Attorney General Annette Bennedetto, One Ashburton Place, Boston, MA 02108 by first class mail, postage prepaid, this 21<sup>st</sup> day of January, 2005.

  
John M. Thompson

56 Mt. Holyoke Drive  
Amherst MA 01002

Phone 413-253-3907  
Fax 413-253-3907  
E-mail sutton@soc.umass.edu

## Gordon F. Sutton, Ph.D.

---

- Current Position** Principal, GFS Associates; Professor Emeritus, University of Massachusetts Amherst
- Consulting in principal fields of study; demography, community studies, public participation in community activities.
- Education** Ph. D. University of Michigan in Sociology
- Professional experience** Social Statistician, U.S. Bureau of the Census, National Center for Health Statistics, Sociologist, U. S. Office of Economic Opportunity; Professor Sociology, University of Massachusetts Amherst; Visiting Professor at U.C.L.A.; the University of Exeter; U.K.; University of Adelaide, South Australia; University of Wisconsin, Madison.
- Summary of qualifications** Consultant to: Social Security Administration; Massachusetts Jury Commissioner: several Massachusetts law firms. In the spring and summer 1997, acted as a paid consultant preparing an affidavit regarding bias in jury selection for a law firm regarding the case of a minority person convicted of a capital offense in the U.S. District Court of Eastern Massachusetts
- Selected Publications**
- 1985 Albert Chevan and Gordon F. Sutton, "Life Transitions in a Stable Population: Race and Sex Differentials." in Life- Course Dynamics: From 1968 to the 1980's, edited by Glen H. Elder, Jr., Ithaca: Cornell University Press.
- 1986 Roland Chilton and Gordon F. Sutton "Classification by Race and Spanish Origin in the 1980 Census and its Impact on White and Non-White Rates." The American Statistician (August) pp. 197-201.
- 1988 Gordon F. Sutton and Tie-ting Su "Accuracy and Acceptability in Local Area Population Projections." Proceedings of the Social Statistics Section, American Statistical Association, pp. 388-392. ( Paper presented at the August 1987 Meetings of the American Statistical Association in San Francisco.)
- 1997 Gordon F. Sutton "Is the Undercount Truly a Demographic Problem?" Transaction: Social Science and Modern Society. April 1997. Pp. 31-35.

**Professional Memberships**

American Sociological Association

American Statistical Association

Population Association of America

International Union for the Scientific Study of Population